IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

SECOND APPEAL NO. 169 OF 2007

Shri Krishna Hiru Khutale .. Appellant
v/s.
Shri Ramchandra Tukaram Khutale and others ..
Respondents

Ms. Gauri Godse for the appellant.

CORAM : A.M. KHANWILKAR, J.
DATED : 5TH JULY, 2007

P.C.

Heard counsel for the appellant. The argument of the counsel before this court that the courts below have failed to take into account the claim of the plaintiff founded on the amendment of the plaint for which reason the conclusion reached is debatable. The courts below have considered every aspect of the matter and proceeded to record the finding of fact that the suit property bearing survey No.52, H.No. 2B had gone to the share of Tukaram after the partition. The material on record supports that position. There is contemporaneous evidence to corroborate that situation. All these aspects have been considered by the courts below.

No substantial question of law arises for consideration. Dismissed.

(A.M. KHANWILKAR, J.)